THE REPEALING AND AMENDING BILL, 1999

THE DEPUTY CHAIRMAN: Now, we shall take up the Repealing and Amending Bill, 1999. Shri Arun Jaitley would explain it to me and to the House as to what it is. We have taken so much time on the previous Bill. However small it was, it was necessary. This Bill is to repeal the Bills which have become either redundant or enactments that have been replaced by some other enactments or Bills which have some mistakes while drafting. They have no authority to be just occupying the space in the Ministries or the places where they have been put. He has come with 357 Bills. In one stroke we will repeal these, as we did yesterday.

THE MINISTER OF LAW, JUSTICE & COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRl ARUN JAITLEY): Madam, I beg to move that:

> "That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration."

Madam, this Bill seeks to repeal wholly *or* partly 357 different legislations. Some of them are sought to be amended. These are broadly in three categories.

I will just explain each of the three categories. The first category is to which most of them pertain, these are the amending legislations. There is already a principal legislation. Subsequently, an amending law is passed. By virtue of that amendment Act, the amendment gets incorporated in the principal legislation and it becomes a part of the principal legislation. But that law by virtue of which the amendment was passed continues to occupy the Statute Book. And under Section 6 (A) of the General Clauses Act, the amending Bill actually becomes redundant and the repeal of the amending Bill does not in any way effect the operation of the principal legislation into which it has been incorporated. Therefore, this is a regular exercise which the Department of Legislation does. It is called cleansing the Statute Book or scavenging the Statute Book that all those enactments which are occupying the Statute Book but serve no purpose are sought to be repealed. So, the first category most of these Bills belongs to that category of amending Bills. The second category were those legislations which lapsed by virtue of time. The legislation was for a limited period. It lapsed when the period was *over.* But in order to remove it from the Statute Book, a specific legislation is required. The second are a few laws in that category. The third is an exercise which we do, which

happens, but rarely in cases of several legislations whereby the legislation after being approved by the House, certain printing errors or other errors are seen and are noticed regularly when we review those legislations. Those are sought to be corrected by virtue of an amendment. So, the First Schedule to this Act comprises of legislations which are 355 in the first category, that is, the amending laws or the laws which have already lapsed. The second is those cases where certain errors have crept in when the primary legislation was drafted. In this case it happened in two cases - the Indian Succession Act in relation to the succession of those Parsi gentlemen who expire without a will in testate and without any lineal descendent as to what would be order of inheritance and the words grandparents' children should actually have been grandparents' parents' children. It was an error which was noticed in the Schedule. So, that is sought to be corrected. The second amendment is to the Code of Criminal Procedure to section 377 which deals with unnatural offences. In the original legislation, it said, 'ditto' because it copied what the previous legislation, that is, 376 and 376 (b) mentioned. Once there was an amendment and 376 (c) and (d) got added, the 'ditto' was not changed and it became dittoing what was the new piece of legislation. So, this technical error came into section 377 which was noticed during the course of the enactment being implemented. And that error is sought to be corrected by this amending Bill. The Standing Committee has examined each of these 357 legislation in detail and has unanimously returned and reported that these required to be repealed or amended. I propose to the hon. House that this Bill be adopted by this hon. House.

THE DEPUTY CHAIRMAN: I think the House understood it. ...*(Interruptions)*... They have been understanding ...*(Interruptions)*... The discussion is redundant. ...*(Interruptions)*... Discussion on what? ...*(Interruptions)*... I understood it. ...*(Interruptions)*... Never mind. ...*(Interruptions)*... There are many lawyers. I have become half lawyer by sitting here. ...*(Interruptions)*...

SHRI SANTOSH BAGRODIA (Rajasthan) : There are 10,000 Bills which are required to be repealed.

SHRI PREM CHAND GUPTA (Bihar) : Mr. Suresh Prabhu invited us for dinner ...*(Interruptions)*... He should invite us for lunch. ...*(Interruptions)*... We will pass the Bill. ...*(Interruptions)*...

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Then we will have to invite more than 50 Law Ministers of the previous regimes. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: You do not worry. ...*(Interruptions)*... Sitting in the Chair, I can give a direction to any one of you to invite the whole House ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Now, I put the motion to vote. The question is:

"That the Bill to repeal certain enactments and to amend certain other enactments, be taken into consideration".

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

The Schedules .one and two, were added to the Bill

CLAUSE - 1

SHRI ARUN JAITLEY: Madam, I move:

"That at page 1, line 3, *for* the figure "1999" the figure "2001" be *substituted".*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the BUI.

ENACTING FORMULA

SHRI ARUN JAITLEY: Madam, I move:

"That at page 1, line 1, *for* the word "fiftieth" the word "fifty-second" be *substituted'.*

The question was put and the motion was adopted.
The Enacting Formula, as amended, was added to the Bill.
The Title was added to the Bill.

SHRI AURN JAITLEY: Madam, I move:

"That the Bill, as amended be passed."

The question was put and the motion was adopted.